

FARM SAFETY

Provide safety protection and training to family members and employees.

By Karl Czymmek and Curt Gooch

OSHA's Local Emphasis Program (LEP) for New York dairy farms

The Occupational Safety and Health Administration (OSHA) is responsible for enforcement of health and safety standards at many types of businesses across the United States and the rules and regulations are based on the simple, foundational principal that every employee has the right to a safe work place.

Within agriculture, OSHA rules and regulations do not apply to all farms. For example, Congress prevents OSHA from using its budget for enforcement on certain farms (less than 11 non-family employees so long as they are not housed in a temporary labor camp).

Agriculture is also exempt from many of the detailed rules ("General Industry Standards") that other industries are expected to follow.

Further, agriculture has only a few specific standards described in OSHA regulations:

- 1) hazardous communications regarding workplace chemicals;
- 2) guarding of power take-offs and other powered machines;
- 3) making sure equipment cannot be powered up during service or maintenance; and
- 4) tractor roll over protection.

All other areas of safety and health that are enforceable by OSHA, whether for the NY dairy Local Emphasis Program (LEP) or based on a complaint, workplace injury or observed directly by an inspector, are covered under the OSHA "General Duty" clause.

While there may not be a specific standard or set of guidelines in the law or OSHA regulations, OSHA inspectors may use other industry standards or guidelines when they observe an unsafe condition on an agricultural operation.

Under the General Duty clause, if OSHA inspectors find a hazard, AND, if they can point to an industry standard practice (for example, some pub-

lications by the American Society of Agricultural Engineers), inspectors may require a farm to implement the standard as a way to improve safety.

While many smaller farms are exempt from OSHA regulations, there are a number of health and safety issues that unregulated farms would be smart to pay attention to. A 14 year-old overcome by manure gases on a hog farm in the Finger Lakes Region this May is a prime example of the need for all agriculture operations to have a well-rounded understanding of on-farm safety hazards/risks and how to remove or manage them. According to fire department reports the boy was on top of a tank spreader when pumping began from a tank inside the barn, below the floor. He was overcome and fell back on top of the spreader. Gas readings when this activity was replicated were "alarming."

There are many aspects of OSHA compliance that are challenging in terms of recordkeeping. But unregulated farms can pick the real safety issues and be better prepared for them without the threat of OSHA inspections or fines.

This issue provides information for some of the key safety risks on dairy farms of any size whether you hire outside employees or rely completely on family labor. Regardless of size or exemptions, farms should work to identify health and safety risks at their operation and find ways to help protect and train family members and employees. □

FYI

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